

### Amendments to the Claims

Claim 1 (**Currently Amended**) A forgery-proof security element comprising:

a polymeric spacer layer;

a first layer formed of metal clusters located on a first side of the polymeric spacer layer;

~~and~~

a second layer formed of metal clusters located on a second side of the polymeric spacer layer, the second side being opposite to the first ~~side~~, side;

~~\_\_\_\_\_ a carrier substrate; and~~

~~\_\_\_\_\_ a black layer located between the carrier substrate and the second layer formed of metal clusters.~~

wherein at least one of the polymeric spacer layer, the first layer formed of metal clusters, and the second layer formed of metal clusters provides a security feature selected from the group of an electrically conductive security feature, a luminescent security feature and a forensic security feature;

~~\_\_\_\_\_ wherein the metal clusters of the first layer are spaced apart from each other such that adjacent metal clusters are not in contact, and~~

~~\_\_\_\_\_ wherein the metal clusters of the second layer are spaced apart from each other such that adjacent metal clusters are not in contact.~~

Claim 2 (**Previously Presented**) A forgery-proof security element as claimed in claim 1, wherein at least one of the first and second layers formed of metal clusters is a partial layer.

Claim 3 (**Withdrawn – Previously Presented**) A forgery-proof security element as claimed in claim 1, wherein the polymeric spacer layer has a defined layer thickness course or a stepped structure.

Claim 4 (**Withdrawn – Previously Presented**) A forgery-proof security element as claimed in claim 1, wherein the polymeric spacer layer comprises a plurality of layers.

Claim 5 **(Withdrawn – Previously Presented)** A forgery-proof security element as claimed in claim 1, wherein the polymeric spacer layer comprises a plurality of layers, each of the layers having a different index of refraction.

Claim 6 **(Withdrawn – Previously Presented)** A forgery-proof security element as claimed in claim 1, wherein the polymeric spacer layer is in the form of at least one of symbols and characters, patterns, lines and geometric forms.

Claim 7 **(Previously Presented)** A forgery-proof security element as claimed in claim 1, wherein the polymeric spacer layer comprises a polymer with piezoelectric properties.

Claim 8 **(Previously Presented)** A forgery-proof security element as claimed in claim 1, wherein the polymeric spacer layer has at least one optically active structure.

Claim 9 **(Currently Amended)** A forgery-proof security element as claimed in claim 1, ~~further comprising a wherein the carrier substrate~~ including includes a transfer lacquer layer.

Claim 10 **(Previously Presented)** A forgery-proof security element as claimed in claim 1, wherein at least one of the first and second layers of metal clusters comprises metal clusters of different metals.

Claim 11 **(Previously Presented)** A forgery-proof security element as claimed in claim 1, wherein at least one of the first and second layers of metal clusters has additional functional features.

Claim 12 **(Previously Presented)** A forgery-proof security element as claimed in claim 11, wherein at least one of the first and second layers of metal clusters is additionally electrically conductive and/or magnetic and/or fluorescent.

Claim 13 (**Previously Presented**) A forgery-proof security element as claimed in claim 1, wherein the forgery-proof security element is individualized through an action of electromagnetic waves.

Claim 14 (**Previously Presented**) A forgery-proof security element as claimed in claim 13, wherein the forgery-proof security element is individualized through laser treatment.

Claim 15 (**Previously Presented**) A forgery-proof security element as claimed in claim 13, wherein through the action of electromagnetic waves subsequent structuring is carried out.

Claim 16 (**Previously Presented**) A forgery-proof security element as claimed in claim 15, wherein through the structuring at least one of pictures, logos, writings, codes, symbols and characters are generated.

Claim 17 (**Previously Presented**) A forgery-proof security element as claimed in claim 16, wherein through the structuring differently colored or colorless regions are obtained.

Claim 18 (**Previously Presented**) A forgery-proof security element as claimed in claim 1, wherein the polymeric spacer layer has a fine structure from a printing die that is identifiable as a uniquely assignable feature.

Claim 19 (**Currently Amended**) A forgery-proof security element as claimed in claim 1, ~~further comprising a wherein the carrier substrate, wherein~~ substrate has a security feature ~~is located on or embedded in the carrier substrate.~~

Claim 20 (**Previously Presented**) A forgery-proof security element as claimed in claim 1, wherein the polymeric spacer layer, the first layer formed of metal clusters and the second layer formed of metal clusters generate different color shift effects.

Claim 21 (**Previously Presented**) A sheet material suitable for the production of a forgery-proof security element as claimed in claim 1.

Claim 22 (**Previously Presented**) A sheet material as claimed in claim 21, further comprising a protective lacquer layer located on at least a part of one side of the forgery-proof security element.

Claim 23 (**Previously Presented**) A sheet material as claimed in claim 22, wherein the protective lacquer layer is pigmented.

Claim 24 (**Previously Presented**) A sheet material as claimed in claim 21, further comprising a sealable adhesive coating located on at least a part of one side of the forgery-proof security element.

Claim 25 (**Previously Presented**) A sheet material as claimed in claim 24, wherein the sealable adhesive coating is pigmented.

Claim 26 (**Withdrawn - Previously Presented**) A method for producing a forgery-proof security element as claimed in claim 1, the method comprising:

- applying, with an impression cylinder, the polymeric spacer layer having a defined thickness to the first layer formed of metal clusters; and

- forming, with vacuum technology or a solvent-based system, the second layer formed of metal clusters to the polymeric spacer layer,

- wherein the impression cylinder has an unmistakable fine structure.

Claim 27 (**Withdrawn - Previously Presented**) A method for producing of a forgery-proof security element as claimed in claim 19, the method comprising:

- forming, with vacuum technology or a solvent-based system, the first layer formed of metal clusters on the carrier substrate;

applying, with an impression cylinder, the polymeric spacer layer having a defined thickness to the first layer formed of metal clusters; and

forming, with vacuum technology or a solvent-based system, the second layer formed of metal clusters to the polymeric spacer layer,

wherein the impression cylinder has an unmistakable fine structure.

Claim 28 **(Withdrawn – Currently Amended)** A method as claimed in claim 26, further comprising applying ~~a the black-background~~ layer to the forgery-proof security element.

Claim 29 **(Withdrawn - Currently Amended)** A method as claimed in claim 28, wherein the polymeric spacer layer and/or the ~~black-background~~ layer is structured.

Claim 30 **(Withdrawn - Currently Amended)** A method as claimed in claim 29, wherein the structuring of the polymeric spacer layer and/or of the ~~black-background~~ layer takes place by laser treatment.

Claim 31 **(Previously Presented)** A product comprising a forgery-proof security element as claimed in claim 1, the product being a bank note, a data medium, a security document, packaging, a label, a marker or a seal.

Claim 32 **(Withdrawn - Previously Presented)** A method for verifying a forgery-proof security element as claimed in claim 1, the method comprising:

detecting and identifying the security feature with an evaluation device.

Claim 33 **(Withdrawn - Previously Presented)** A method for verifying a forgery-proof security element as claimed in claim 32, wherein the detecting and identifying of the security feature comprise visually detecting and identifying the security feature.

Claim 34 **(Withdrawn - Previously Presented)** A method for verifying a forgery-proof security element as claimed in claim 32, wherein the detecting and identifying the security feature

comprises detecting and identifying the forensic security feature with a testing device in a laboratory or on site.

Claim 35 **(Withdrawn - Previously Presented)** A method as claimed in claim 34, wherein the forensic security feature is DNA, an isotope or a fine structure.